

1  
2  
3  
4  
5  
6  
7  
8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11                  STEPHANIE TAYLOR, et al.,

12                  Plaintiff,

13                  v.

14                  THE STATE OF WASHINGTON  
15                  DEPARTMENT OF JUVENILE YOUTH  
16                  AND FAMILY SERVICES, et al.,

17                  Defendant.

18                  CASE NO. 2:19-cv-01869 RAJ-JRC

19                  ORDER ON PLAINTIFF'S  
20                  MOTION TO APPOINT COUNSEL

21                  This matter has been referred to United States Magistrate Judge J. Richard Creatura  
22                  pursuant to General Order 02-19. *See* Dkt. 24. Before the Court is *pro se* plaintiff Stephanie  
23                  Taylor's Motion to Appoint Counsel. Dkt. 2. Because the likelihood of plaintiff's success on the  
24                  merits cannot be determined at this early stage, plaintiff's motion is denied.

25                  There is no constitutional right to appointed counsel in a civil action, and whether to  
26                  appoint counsel is within this Court's discretion. *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th  
27                  Cir. 1981); *see United States v. \$292,888.04 in U.S. Currency*, 54 F.3d 564, 569 (9th Cir. 1995).  
28                  Appointment of counsel for indigent civil litigants under 28 U.S.C. § 1915(e)(1) requires  
29                  “exceptional circumstances.” *See Rand v. Roland*, 113 F.3d 1520, 1525 (9th Cir. 1997) (citing

1 former 28 U.S.C. § 1915(d) (1996)), *overruled on other grounds*, 154 F.3d 952 (1998). To  
2 decide whether exceptional circumstances exist, the Court must evaluate “both ‘the likelihood of  
3 success on the merits [and] the ability of the [plaintiff] to articulate his claims *pro se* in light of  
4 the complexity of the legal issues involved.’” *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th  
5 Cir. 1986) (quoting *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)). “Neither of these  
6 factors is dispositive and both must be viewed together[.]” *Id.*

7 Plaintiff states that she has “called several different attorneys” since 2017. Dkt. 2, at 2.  
8 Plaintiff also states that she contacted the Office for Civil Rights and was “[referred] to state  
9 complaint/ombudsman . . . [and] I was told by the ombudsman that they don’t protect my civil  
10 rights.” Dkt. 2, at 2. Plaintiff also states that she filed a complaint with “DCYF constituent  
11 relations as well [and] they did nothing.” Dkt. 2, at 2.

12 Plaintiff has not demonstrated that exceptional circumstances are present in her case. She  
13 has filed her claim without any initial filing deficiencies (*see* Dkt. 1), submitted a motion to  
14 appoint counsel (*see* Dkt. 2.), and successfully served seventeen defendants (*see* Dkts 3-17).  
15 While a *pro se* plaintiff’s pleadings should be liberally construed, it is incumbent on plaintiff to  
16 demonstrate “exceptional circumstances” in order to obtain court-appointed counsel. Therefore,  
17 she has demonstrated that, at this stage, she is able to articulate her claims. *Wilborn*, 789 F.2d at  
18 1331. Moreover, defendants have not yet submitted an answer to the complaint, and it is too  
19 early to determine whether plaintiff is likely to succeed on the merits of her claim. *Id.*

20 Accordingly, plaintiff’s Motion to Appoint Counsel (Dkt. 2) is DENIED.

21 Dated this 20th day of December, 2019.

22   
23

24 J. Richard Creatura  
United States Magistrate Judge